UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JEFFREY R. MODICA, KATARZYNA A. MODICA a.k.a KATIE MODICA, Plaintiffs,	)	
v.	)	Case No. 14-cv-3308 Judge Sharon Johnson Coleman Magistrate Judge Mary M. Rowland
GREEN TREE SERVICING, LLC, Defendant.	)	

STATUS REPORT

Plaintiffs, Jeffrey R. Modica and Katarzyna A. Modica a.k.a. Katie Modica (collectively, "Plaintiffs"), and defendant, Green Tree Servicing, LLC ("Green Tree"), by their respective attorneys and pursuant to the Court's order dated January 24, 2017 (Doc. #66), submit this status report.

1. The Nature of the Case

a. ***Identity of Attorneys***

For Plaintiffs:

Mohammed Badwan (lead trial attorney)
Matthew Hector
Daniel J. McGarry
Mara A. Baltabols
Sulaiman Law Group, Ltd.

For Defendants:

Marshall L. Blankenship (lead trial attorney)
James D. Adducci
Adducci, Dorf, Lehner, Mitchell &
Blankenship, P.C.

b. ***Nature of Claims:*** Plaintiffs assert claims pursuant to the Telephone Consumer Protection Act, 47 U.S.C. §227 ("TCPA") (Count I) and the Illinois Consumer Fraud and

Deceptive Business Practices Act, 815 ILCS 505/2 ("IFCA") (Count II). Additionally, Plaintiffs filed a Motion for Sanctions and Damages Against Green Tree Servicing, LLC Pursuant to 11 U.S.C. §§ 105, 524 and Fed. R. Bankr. P. 9020 for Violations of the Bankruptcy Discharge Injunction ("Contempt Motion"), in the case of *In Re: Jeffrey R. Modica and Katarzyna A. Modica*, Case No. 08-14633 in the Bankruptcy Court for the Northern District of Illinois, which motion was brought into this case when Judge Zagel withdrew the reference to the Bankruptcy Court with respect to the Contempt Motion on May 15, 2014.

c. ***Major legal and factual issues in the case:*** Whether Green Tree made calls to Plaintiffs using an automatic telephone dialing system in violation of the TCPA and IFCA (which issues were decided by Judge Zagel on cross-motions for summary judgment – see below); whether Green Tree's calls to Plaintiffs violated the bankruptcy discharge injunction.

d. ***General status of the case:*** Discovery is closed. On cross-motions for summary judgment, Judge Zagel entered summary judgment in favor of Green Tree on all claims with the exception of Plaintiffs' TCPA claim to the extent it is based on six calls. Judge Zagel entered summary judgment in favor of Plaintiffs with respect to those six calls, but did not consider damages. *Modica v. Green Tree Servicing, LLC*, 2015 WL 1943222 (N.D. Ill. Apr. 29, 2015). Plaintiffs filed a motion for reconsideration ("Reconsideration Motion") based on the ruling issued by the FCC in *In re: Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, Declaratory Ruling and Order, CG Docket No. 02-278, WC Docket No. 07-135, FCC 15-72 (released July 10, 2015) ("FCC Ruling").

Judge Zagel granted Green Tree's motion to stay this proceeding pending the ongoing appeals of the FCC Ruling in the D.C. Circuit Court of Appeals. Those appeals were fully briefed as of February 24, 2016, argument was held on October 19, 2016, and a decision is expected soon. Plaintiffs' Contempt Motion has been fully briefed but not yet ruled upon.

2. Pending Motions

a. ***Pending motions:*** Plaintiffs' Reconsideration Motion and Contempt Motion are pending.

b. ***Previously set deadlines:*** All previously set deadlines have passed.

3. Remaining Discovery

a. ***Proposed plan for remaining discovery:*** Discovery is closed and the parties do not contemplate seeking reopening of discovery.

4. Trial

a. ***Jury trial request:*** Plaintiffs have requested a jury trial. Following the summary judgment decision, the only issue which would be tried to a jury is the amount of damages for the six calls which were found to violate the TCPA.

b. ***Probable Length of Trial:*** One day.

5. Consent to Proceed Before a Magistrate Judge

The parties do not consent to proceed before a magistrate judge.

6. Status of Settlement Discussions

There have been no settlement discussions.

Respectfully submitted,

/s/ Mohammed Badwan____________________
One of the attorneys for plaintiffs, Jeffrey R.
Modica and Katarzyna A. Modica

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/s/ Marshall L. Blankenship
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CERTIFICATE OF SERVICE

The undersigned, one of the attorneys for Defendant, certifies that on February 8, 2017, he caused a copy of the foregoing Status Report to be served by ECF delivery, on:

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/s/ Marshall L. Blankenship